4.5 LAND USE AND RECREATION

This section of the Environmental Impact Report (EIR) details the existing land use and recreation conditions around the Shell Martinez Marine Terminal (Shell Terminal), outlines applicable land use plans and policies, and summarizes potential land use and recreation-related impacts and mitigation measures associated with the proposed lease renewal.

4.5.1 Environmental Setting

Land Uses Near the Shell Terminal

The Shell Terminal is located in the city of Martinez, Contra Costa County, California, on the south shore of the Carquinez Strait, approximately 20 miles northeast of San Francisco. The Carquinez Strait is a narrow channel. For the first 3.5 miles, the Strait is less than 0.5 mile wide, and then widens to approximately one mile.

The Shell Terminal is located on sovereign lands under the jurisdiction of the California State Lands Commission (CSLC) in a historically industrial section of the city of Martinez, within Contra Costa County, on the south side shoreline of the Carquinez Strait, west of the Benicia-Martinez Bridge (Highway 680).

The Shell Terminal is a heavy industrial facility located in an area characterized by wildlife preserves, the Carquinez Strait shoreline, and several heavy industrial facilities. There are no sensitive land uses, such as hospitals, retirement communities, or schools located adjacent to or near the Shell Terminal. The nearest residential area is approximately 0.75 mile to the southwest. This community is located within the County General Plan designation of Heavy Industrial (designated “HI”), and, thus, is a non-conforming land use.

The following summarizes land uses that surround the project site:

- North of the Shell Terminal ~~is~~ are the Carquinez Strait and Suisun Bay, which provide industrial transport access, commercial and recreational water uses, and wildlife habitat. The Carquinez Strait provides transport access for cargo vessels, and supports sport fishing, commercial fishing, shellfish harvesting, recreational boating and kayaking, shoreline hiking, and other water-related recreational activities.
- South and East of the Shell Terminal ~~is~~ are the shoreline of the Carquinez Strait and open space marshlands owned by the State. Further south ~~is~~ are the Shell Martinez Refinery (Refinery) and appurtenant structures. Residential development occupies land approximately 0.75 mile southwest of the Refinery. ~~East of the Shell Terminal is the shoreline of the Carquinez Strait and open space marshlands owned by the State.~~ East of the Refinery are I-680 and the Benicia-Martinez Bridge. Land further east is occupied with heavy industrial development and open space.

- West of the Shell Terminal is the shoreline of the Carquinez Strait, which includes the Martinez Marina and the Martinez Regional Shoreline, and is designated as Open Space.

The Shell Terminal and Refinery have operated at their current locations, transferring and processing hydrocarbon fuels, lubricating oils, and asphalt, since 1915. The Shell Terminal operates on approximately 28 acres of public land leased from the CSLC as a barge and tanker transfer facility for crude oil and petroleum products. It is capable of operating 365-days a year, 24 hours a day, although actual operation depends on shipping demands. The Refinery, located on lands under the jurisdiction of the City, resides on 850 acres of Shell-owned (upland) property immediately south of the Shell Terminal.

The City has jurisdiction over the land occupied by the Refinery, which is designated in the city's general plan as Industrial (designated "I"). In addition, the Refinery site has a zoning designation of Heavy Industrial, with an overlay Environmental Conservation District (designated "ECD") (City of Martinez, personal communication 2005).

As stated above, the Shell Terminal is located on sovereign lands under the jurisdiction of the CSLC. Additionally, pursuant to the McAteer-Petris Act of 1965, the Bay Conservation and Development Commission (BCDC) has regulatory jurisdiction over land use activities within the first 100 feet from shore of the San Francisco Bay, which gives the BCDC jurisdiction over the Shell Terminal. According to the San Francisco Bay Plan, which is produced by the BCDC to guide jurisdictional development activities, the Shell Terminal site is designated for Water-Related Industry. The Shell Terminal is consistent with this use designation (BCDC 2002a).

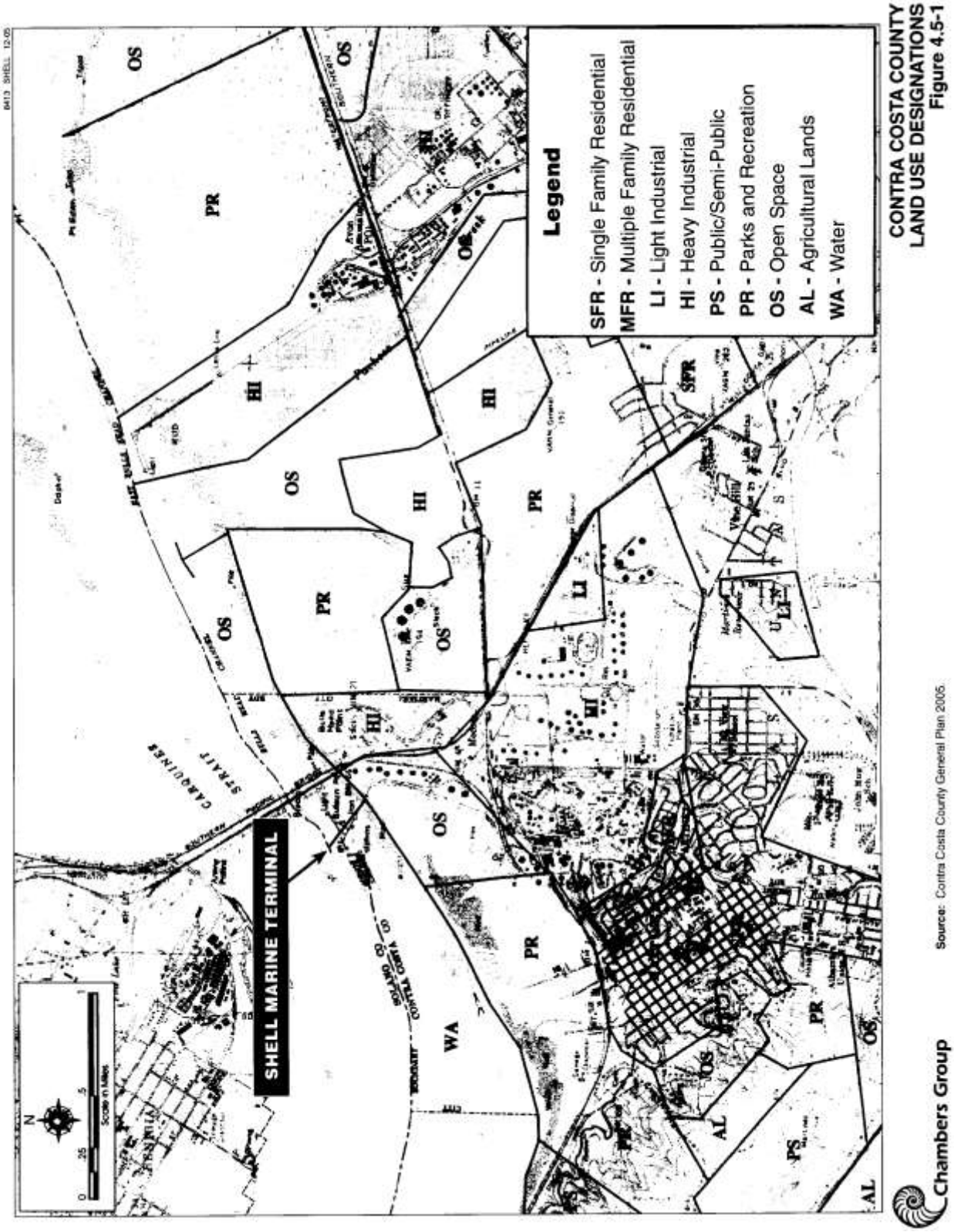
Although the City does not have jurisdiction over the Shell Terminal, the city's general plan designates the Shell Terminal site for Industrial use, consistent with existing and surrounding uses (City of Martinez 1995).

Contra Costa County has jurisdiction for lands in the general vicinity of the Shell Terminal, having a mixture of General Plan designations of heavy industrial and/or Open Space (Figure 4.5-1).

Recreational Uses on Carquinez Strait and Suisun Bay

As a heavy industrial use, no recreational facilities or activities are directly associated with the Shell Terminal. However, there are a number of recreational facilities (designated parks, wildlife preserves, open space, etc.) and recreational uses (nature viewing, hiking, boating, fishing, surfing, etc.) in the area including the Carquinez Strait and Suisun Bay. These facilities are described by jurisdiction below.

1 Figure 4.5-1. Contra Costa County Land Use Designations



2

Recreational activities in the project vicinity include:

- Hiking, bird watching, or nature viewing in open space preserves near the site;
- Water uses on the Carquinez Strait and Suisun Bay by recreational boat users and sport fishermen, including recreational marinas such as the Martinez Marina, Benicia Marina and Pier, and Glen Cove Marina~~. Also includes~~, and recreational fishing, where permitted; and
- Near shoreline picnicking and park activities associated with the East Bay Regional Park District preserves (Table 4.5-1) or City facilities (see below), could also include hiking, wading, nature viewing, and other park-related activities.

Table 4.5-1. East Bay Regional Park District Regional Preserve

Preserve	Basic Description of Facility	Location	Distance to Terminal	Acreage
Waterbird Regional Preserve	Wildlife preserve and wetlands.	South of Waterfront Road, east of Highway 680	2.5 miles to the southeast	N/A
Martinez Regional Shoreline	Marshland preserve with hiking and horse trails, along with boating and multi-use field facilities.	City of Martinez shoreline	adjacent to the west	350+
Carquinez Strait Regional Shoreline	Marshland preserve with hiking and horse trails.	Along the Carquinez Scenic Drive between the City's of Crockett and Martinez	1 mile to the west	2,795
Point Pinole Regional Shoreline	Large marshland preserve with hiking and horse trails, and restrooms.	Giant Highway, Richmond	14 miles to the west	2,315
Browns Island	Native habitat with no facilities.	Island in the Sacramento Delta north of Pittsburg	16 miles to the east	595
Antioch/Oakley Regional Shoreline	Marshland preserve with hiking and horse trails.	Along the city of Antioch shoreline	219 miles to the east	N/A
San Pablo Regional Shoreline	Marshland habitat preserve with hiking and horse trails.	San Pablo Point	24 miles to the west	N/A

Bay Conservation and Development Commission

BCDC controls a trail easement to the east of the Shell Terminal, which provides access to the open space areas to the south and west of the Shell Terminal.

California Department of Fish and Game

The California Department of Fish and Game (CDFG) maintains the 760-acre Point Edith Wildlife Area located east of the site, east of Highway 680 and across the Pacheco Flood Control channel. CDFG also manages shoreline marshlands onshore of the Shell Terminal.

East Bay Regional Park District

The East Bay Regional Park District (EBRPD) manages several open space preserves near the project site and on the shoreline of the Carquinez Strait and Bay (EBRPD 2002). Table 4.5-2 gives a brief summary of these preserves, and their locations relative to the Shell Terminal.

Table 4.5-2. Major Shoreline Recreational Areas, San Francisco and San Pablo Bays

Bay/Shoreline Parks	
John F. McInnis County Park	Keil Cove-Bluff Point Park *
Point Pinole Regional Shoreline	Corte Madera Shoreline Park *
Neils Island	Point San Quentin
Pinole-Hercules Shoreline Park	Point San Pedro
Wilson Point Beach and Park	Point Isabel Regional Shoreline
Richmond Sanitary Landfill	San Leandro Bay Regional Shoreline
George Miller Jr. Regional Park	Robert W. Crown Memorial State Beach
Point San Pablo	Oyster Bay Regional Shoreline *
Point Molate Beach	San Bruno Mountain Regional Park *
Miller-Knox Regional Shoreline	Brisbane Aquatic Park *
Presidio	Bay View Park
Golden Gate National Recreation Area	Candlestick Point Shoreline Park *
Angel Island State Park	Coyote Point County Park
China Camp State Park	Bayside Park
Refuges/Preserves/Wildlife Areas	
Rat Rock	Castro Rocks
Petaluma Marsh	Red Rock
Skaggs Island	Brooks Island Regional Preserve
Tubbs Island	Mount Tamalpais Waterfowl Refuge
San Pablo Bay National Wildlife Refuge	Marin Islands
The Brothers	The Sisters
Emeryville Crescent Wildlife Area *	San Francisco Bay National Wildlife Refuge
*** Proposed Facility**	

City of Martinez

The City maintains 13 parks, ranging in size from 1 to 150 acres, although none are located immediately adjacent to the ~~p~~Project site. Of these, Waterfront Park, located at North Court Street via Ferry Street Four is proximate to the shoreline. Waterfront Park is 150 acres, is comprised of multiple playing fields and picnic areas, and is approximately .05 miles from the Shell facility.

The City also operates the Martinez Marina in the Martinez Regional Shoreline preserve. The marina, which is just west of the Shell Terminal~~. The marina,~~ is the launching area for many of the recreational boats and sport fishermen that recreate near the Shell Terminal. The marina also offers a fishing pier, and a multi-use field complex.

Recreational Uses in San Francisco Bay and San Pablo Bay

This section describes the land use and recreation setting within the San Francisco Bay and San Pablo Bay for the evaluation of the risks associated with oil spills from vessels that service the Shell Terminal. The San Francisco and San Pablo Bays contain a variety of shoreline-related recreational opportunities. Major recreational park areas and sensitive land uses (including wildlife reserves/refuges) in the San Francisco and San Pablo Bay areas are listed in Table 4.5-2. The information is derived from the San Francisco Bay Plan (~~San Francisco~~ BCDC 2002a) and EBRPD's 1997 Master Plan. In addition, there are approximately 95 shoreline parks, recreation, and wildlife areas in San Francisco Bay per the 1997 San Francisco Bay Shoreline Guide.

Developed parks, recreational and sightseeing areas that provide access to the shoreline are found along the urbanized sections of San Francisco Bay, particularly along the waterfront areas of the San Francisco Peninsula. In addition, there are approximately 140 boat-launching ramps/marinas and associated facilities (including fishing piers) throughout the San Francisco Bay. Extensive private boating (both sail and power) occurs throughout the San Francisco Bay.

Undeveloped marsh areas are located to the south. The San Francisco Bay National Wildlife Refuge and Coyote Hills Regional Park at the southern end of the San Francisco Bay provide opportunities for hiking and biking in selected areas and near the shore.

The northern end of San Pablo Bay is not as urbanized as the southern portions of the San Pablo Bay. Most of the shoreline along north San Pablo Bay and across the Bay from the project area consists of the San Pablo National Wildlife Refuge, where hiking and hunting activities are allowed. There are only a few boat ramps and fishing piers in this area.

Recreational Uses on the Outer Coast

This section describes the land use and recreation setting along the Pacific outer coast for the evaluation of the risks associated with oil spills from vessels that service the Shell Terminal. The outer coast consists of a broad mix of land uses including undeveloped open coastal areas, wetlands, unique shoreline and coastal resource areas, and areas of concentrated development and urban uses. The conditions of the various uses range from pristine, undisturbed land areas to degraded coastal zones affected by urban development and industrial pollution. Details on outer coast recreational uses are contained within the EIRs for the Unocal Marine Terminal (Chambers Group 1994) and the Gaviota Terminal Company (GTC) Gaviota Marine Terminal Projects (Aspen Environmental Group 1992) and are incorporated herein by reference.

Opportunities for recreation vary along California's 1,100 miles of shoreline. The coast contains a variety of features ranging from coastal bluffs and beaches to nearby

mountains and forests offering a diversity of recreational opportunities for active and passive recreation. The more populated/urbanized areas tend to have more "developed" recreational opportunities, such as set trails with manicured vegetation, while the less urbanized areas and those in remote locations tend to have more natural settings with "undeveloped" recreational uses. Some of the more pristine areas have been designated as preserves or wilderness. Recreational activities include nature viewing, hiking, biking, and equestrian trails, with beaches providing a range of uses from picnicking, shore fishing, volleyball, windsurfing/sailing, and surfing. All along the outer coast are fishing piers and berthing and launching facilities for recreational boats; however, the greatest concentrations of these facilities are found in the urbanized areas.

4.5.2 Regulatory Setting

State Planning and Policies

~~The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 requires oil spill contingency plans for oil transport related facilities.~~ The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (OSPRA) established the Office of Spill Prevention and Response (OSPR), which is housed within the CDFG. OSPR has the authority to direct oil and product spill response, cleanup, and natural resource damage assessment (NRDA) activities. The OSPRA also requires oil spill contingency plans for oil transport related facilities. The BCDC is required to review and comment on the oil spill contingency plans for Bay Area facilities prior to ~~its~~ their approval to ensure the protection of environmental resources.

Regional Planning and Policies

The BCDC, pursuant to the McAteer-Petris Act of 1965, has responsibility for regulating fill in the Bay and providing access to the Bay. The McAteer-Petris Act gives the BCDC authority to issue or deny permit applications for projects within the first 100 feet inland from the Bay. The BCDC also is directed to prepare the San Francisco Bay Plan (www.bcdc.ca.gov/pdf/planning/plans/bayplan/bayplan.pdf), which guides the future protection and use of the Bay and its shoreline. The San Francisco Bay Plan has policies regarding Water-Related Industry, and Navigational Safety and Oil Spill Prevention (BCDC 2002b, reprinted February 2008).

The San Francisco Bay Area Seaport Plan is a cooperative planning effort of the Metropolitan Transportation Commission and the BCDC. The Seaport Plan guides transportation uses within the San Francisco Bay port system with the goal of maintaining environmental quality and economic vitality.

County Planning and Policies

The County of Contra Costa General Plan is a comprehensive, long-range planning document stating the County's development and preservation goals and policies. Based

on consultation with the County, the Contra Costa County General Plan would not be applicable to the proposed Project (extension of the existing lease agreement) because it is in an incorporated area of the City and the County does not have policies or regulations directly applicable to marine terminals or oil spills (Contra Costa County 2005).

Local Planning and Policies

The City of Martinez General Plan is a comprehensive, long-range planning document stating the City's development and preservation goals and policies. The General Plan addresses all geographic areas of the City and the relationships between social, financial, environmental and physical factors. The General Plan is used to define land use restrictions within the City, which are implemented through the City's Zoning Ordinance.

4.5.3 Impact Significance Criteria

Land use impacts were considered significant if the Shell Terminal operations would result in the following:

- Conflicts with existing or future planned area-wide or local policy issues or plans;
- Incompatible adjacent land uses as defined by planning documentation; and/or
- Residual impacts on sensitive shoreline lands, and/or water and non-water recreation due to a release of oil. Because of the time factor involved in oil dispersion, impacts were considered to be Class I impact if first response efforts would not contain or cleanup the spill, resulting in residual impacts to shoreline and recreational uses. If a spill occurs that could be contained and cleaned up during first response, that spill would be considered a significant adverse impact (Class II).

4.5.4 Impacts Analysis and Mitigation Measures

4.5.4.1 Shell Terminal Routine Operations and Potential for Accident Conditions

Impact LU-1: Conflicts with Existing or Future Planned Area-Wide or Local Policy Issues or Plans

The proposed Project would not conflict with any existing or future planned policy issues or plans. Proposed Project impacts with regard to policy inconsistency would be less than significant (Class III).

As described above (Section 4.5.1, Environmental Setting), the use of the Shell Terminal as an industrial facility in an area planned for industrial uses is consistent with all applicable local and area-wide land use policies and plans. The use of Shell Terminal would still be consistent with all applicable existing land use plans if the proposed 30-year lease extension were approved.

Because the Shell Terminal is located on sovereign lands under the jurisdiction of the CSLC, the BCDC is the only other agency with land use jurisdiction over the site. The BCDC's San Francisco Bay Plan is the most comprehensive planning document for water-related development around the bay. According to the San Francisco Bay Plan, the Shell Terminal site is designated as Water Related Industry, which is consistent with the Shell Terminal. The Shell Terminal would continue to be a consistent use if the proposed 30-year lease extension is approved.

Over the 30-year period of the lease, it is highly unlikely that any future land use polices or plans would conflict with the Shell Terminal. Because applicable planning documents designate the Shell Terminal site and surrounding areas for industrial and/or open space uses, which currently exist and are compatible, future planning policies and plans would likely continue to designate the area in a similar manner. Impacts would be less than significant (Class III).

LU-1: No mitigation is required.

Impact LU-2: Incompatible Adjacent Recreational Land Uses

The proposed Project would be compatible with adjacent and proximate land uses. Therefore, physical land use adverse impacts resulting from the proposed Project would be adverse, but less than significant (Class III).

The existing Shell Terminal is currently compatible with all adjacent and proximate land uses. The Shell Terminal is not immediately surrounded by any other facilities with the exception of the Martinez Marina. Both facilities are allowed land uses within the planning jurisdictions of the City and Contra Costa County. The only other facilities within several miles are other heavy industrial uses, which are consistent with all applicable planning documents.

There are no sensitive, incompatible land uses (such as hospitals, retirement communities, or schools) located near the Shell Terminal. The nearest residential area is approximately 3,900 feet (0.75 mile) southwest of the terminal.

~~The~~ A new 30-year Shell Terminal lease would not create any physical land use incompatibilities, mainly because current activities would continue in the same manner. The Shell Terminal would continue to be compatible with all existing surrounding industrial land uses. Because the area is built out, it is highly unlikely that any sensitive, incompatible land uses would be developed near the Shell facility over the 30-year period of the lease.

Several responders to the Notice of Preparation (NOP) for this EIR requested that the new lease should make provisions for relocating a portion of the Bay Trail onto land near the water that is presently leased by Shell. Refinery property and associated operations are separate from Shell Terminal operations, are not part of the proposed lease, and are not under jurisdiction of the CSLC. Therefore, issues related to land use associated with the Refinery and planned trail segments are not within the jurisdiction of the CSLC. The

next step in the planning for a trail route is for Shell and local interests to formulate a plan to take this trail forward to the next step for funding consideration and local ~~CEQA~~ review consistent with the California Environmental Quality Act (CEQA). Since the trail segments are not within CSLC jurisdiction, the CSLC will remain active among the interested agencies and community groups and will continue to participate in this process.

LU-2: No mitigation is required.

Impact LU-3: Accidental Releases At or Near the Terminal

A number of recreational facilities (designated parks, wildlife preserves, open space, etc.) and recreational uses (nature viewing, boating, fishing, surfing, etc.) are within the potential area that could be impacted by the spread of oil. Shoreline and water-related uses would be disrupted by oil on the shoreline and in the water and could result in significant adverse (Class I and II) impacts.

Impacts from oil releases could degrade the environment and preclude the use of shoreline land and associated recreational activities at the site of the release and the areas affected by the spread of the oil. The degree of impact~~, however,~~ is influenced by many factors including, but not limited to, spill location, spill size, type of material spilled, prevailing wind and current conditions, the vulnerability and sensitivity of the resource, and response capability.

Spill risk is presented in Section 4.1, Operational Safety/Risk of Accidents. The greater risk of spills occurs at the Shell Terminal, where small spills could occur during normal operations, as well as from leaks at pipe fittings and valves. There is less chance of a spill occurring from a tankering accident; however, such an event generally can result in a much larger and more severe spill.

Crude oil and refined products would be shipped to/from the Shell Terminal. Light product spills generally volatize relatively rapidly, and little remains within 24 to 48 hours after a spill. Heavy crude oil may disappear over a period of several days, with remaining heavy fractions lasting from several weeks to several months floating at or near the surface in the form of mousse, tar balls, or mats.

As discussed above, no recreational facilities or activities are directly associated with the Shell Terminal; however, there are a number of recreational facilities (designated parks, wildlife preserves, open space, etc.) and recreational uses (nature viewing, boating, fishing, surfing, etc.) associated with the study area. Shell land and water-related uses would be disrupted by oil on the shoreline and in the water. For a spill at the Shell Terminal, tankering would be stopped and operations at the Shell Terminal would be stopped for a period of time depending on the amount of oil present and the amount of cleanup required. Additional analysis of impacts on water quality and sensitive shoreline biological resources ~~is~~ are presented in Sections 4.2, Water Quality, and 4.3, Biological Resources, respectively.

The capability to immediately respond and deploy appropriate containment booming would also influence the extent of affected shoreline. Response capability is analyzed in Section 4.1, Operational Safety/Risk of Accidents.

Because it is impossible to predict with any certainty the potential consequences of spills, impacts are considered to be adverse and significant (Class I or II), because severe spills could have residual impacts that could affect shoreline and/or recreational uses. Any residual impacts remaining after first response efforts would be considered to be significant adverse impacts (Class I).

Mitigation Measures for LU-3:

LU-3. Mitigation measures (MM) for spills at the Shell Terminal would be the responsibility of Shell Terminal operations. Shell shall implement MMs OS-3a, OS-3b, OS-3c, OS-4, OS-7a, OS-7b, and BIO-6a through BIO-6d ~~Specific measures are presented in Operational Safety/Risk of Accidents, Water Quality, Biological Resources, and Commercial and Sport Fisheries~~.

Rationale for Mitigation: Those measures presented in ~~other s~~Sections 4.1 through 4.4 (Operational Safety/Risk of Accidents, Water Quality, Biological Resources, and Commercial and Sport Fisheries) of this EIR provide improved oil spill capabilities, oil spill containment measures and protection of resources. With implementation of those measures the risk to shoreline and recreational resources can be reduced to less than significant for small spills; however impacts remain significant for large spills.

Residual Impacts: Even with implementation of mitigation for oil spill impacts, land- and water-related recreational uses may be impacted from large spills and impacts would remain significant (Class I).

4.5.4.2 Oil Spills From Vessels in Transit in Bay or Along Outer Coast

Impact LU-4: Land Use/Recreational Impacts of Oil Spills from Vessels in Transit

Spills that beach along sensitive land use areas or heavily used areas including recreational areas would limit or preclude such uses and result in significant adverse (Class I or II) impacts, depending on the various characteristics of a spill and its residual effects.

Depending on spill size and location, a spill within the San Francisco Bay and Carquinez Strait ~~shipping lanes~~ could affect tankering and other boating in the vicinity of the spill and its area of spread. In either case, depending on wind and current conditions and size of the spill, shoreline and land and water-recreation uses could be affected. Oil spill modeling conducted for the Unocal terminal (Chambers Group 1994) showed the potential extent of oil spread based on various scenarios of spill size, wind, tide, and current conditions. Given the right conditions, virtually all shoreline areas are vulnerable.

Shoreline uses affected by a spill include marinas and park and recreation uses, as well as other marine terminals and port and harbor operations. Examples include passenger and cargo vessels, commercial fishing vessels, and others that may have to slow, reroute, or halt operations during cleanup and containment. Nearshore uses may also be affected because they may be temporarily closed during cleanup operations for public safety purposes. Land access to coastal areas may also be affected by cleanup operations.

Compared to the San Francisco Bay, existing land uses and recreational areas along the outer coast are more diverse, ranging from heavily used areas to areas that are undeveloped and fairly inaccessible, especially along the northern coast. Spills that beach along heavily used areas and recreational points would limit or preclude such uses and result in significant adverse (Class I or II) impacts, depending on the various characteristics of a spill and its residual effects. Oil that spreads to beaches, sand dunes, tidepools, shoreline reserves, harbors, marinas, and other recreational boating and fishing facilities would limit access to these areas where there is oil, containment equipment, or cleanup activities. Spills that reach the more remote portions of the shoreline may not necessarily decrease the availability of recreational uses because use may be minimal, but would result in other impacts to biological resources and water quality as discussed in other sections of this ~~Draft~~ EIR. Portions of coastline would also be visually affected by spills as discussed in Section 4.9, Visual Resources.

Over the life of the proposed new lease, as more areas of the coastline are developed or made accessible to the public, the likelihood that an established land use or recreational amenity may be affected by a spill would also increase.

Because it is impossible to predict with any certainty the potential consequences of spills, impacts are considered to be adverse and significant (Class I or II), because severe spills could have residual impacts that could affect shoreline and/or recreational uses. Any residual impacts remaining after first response efforts would be considered to be significant adverse impacts (Class I).

Mitigation Measures for LU-4:

LU-4. ~~Mitigation measures for accidents in the shipping lanes would not be Shell Oil Products US responsibility, but would fall to the vessel operator/owner.~~ Shell shall implement MMs OS-7a and OS-7b ~~in Operational Safety/Risk of Accidents~~.

Rationale for Mitigation: ~~Response capability for containment and cleanup of land areas oiled is not the responsibility of Shell for spills in the shipping lanes. Nevertheless, as a participant in any analysis to examine upgrades to the VTS (MM OS-7a), Shell can help to improve transit issues and response capabilities in general, which help to reduce the consequences of spills within the Bay.~~ Shell's participation in U.S. Coast Guard (USCG) Port and Waterways Safety Assessment (PAWSA) workshops for the San Francisco Bay area (MM OS-7a) can help to improve transit issues and response capabilities in

general, and will support overall safety improvements to the existing Vessel Traffic Service (VTS) in the future, which will help to reduce the potential for incidents and the consequences of spills within the Bay. For a spill near the Shell Terminal, Shell is more suited to provide immediate response (MM OS-7b) to a spill using its own equipment and resources, rather than waiting for mobilization and arrival of the vessel's response organization. The Shell Terminal staff is fully trained to take immediate actions in response to spills. Such action will result in a quicker application of oil spill equipment to any spill and improve control and recovery of such spill.

Residual Impacts: Even with implementation of mitigation for oil spill impacts, land- and water-related recreational impacts would potentially remain significant (Class I).

4.5.5 Impacts of Alternatives

Impact LU-5: No Project Alternative

The No Project Alternative would have no effect on land use at the Shell facility. Risks from spills to shorelines near the Shell Terminal would be eliminated (Class IV). However, similar spill consequences could be transferred to the other marine terminals which would have increased vessels activities. Spills from those facilities could result in significant adverse impacts similar to the proposed Project. Shell has no responsibility for those facilities.

Under the No Project Alternative, Shell's lease would not be renewed and the existing Shell Terminal would be subsequently decommissioned with its components abandoned in place, removed, or a combination thereof. The decommissioning of the Shell Terminal would follow an Abandonment and Restoration Plan as described in Section 3.3.1, No Project Alternative.

Under the No Project Alternative, alternative means of crude oil/product transportation would need to be in place prior to decommissioning of the Shell Terminal, or the operation of the Shell Refinery would cease production, at least temporarily. It is more likely, however, that under the No Project Alternative, Shell would pursue alternative means of traditional crude oil transportation, such as a pipeline transportation, or use of a different marine terminal. Accordingly, this ~~Draft~~ EIR describes and analyzes the potential environmental impacts of these alternatives. For the purposes of this ~~Draft~~ EIR, it has been assumed that the No Project Alternative would result in a decommissioning schedule that would consider implementation of one of the described transportation alternatives. Any future crude oil or product transportation alternative would be the subject of a subsequent application to the CSLC and other agencies having jurisdiction, depending on the proposed alternative.

The Shell Terminal would eventually be decommissioned or converted to another use, which would require separate CEQA environmental review. The shoreline facilities supporting the Shell Terminal could be removed without direct effects on Refinery

operations. No significant adverse land use or recreation impacts would be anticipated for the decommissioning process.

After decommissioning, the No Project Alternative assumes the number of tankers servicing the area would remain essentially the same due to regional demands, and assumes that without a marine terminal at Shell, incoming tankers would instead go to other nearby terminals. Therefore, the risks associated with the transport of oil would not be removed from the region, but simply shifted to other nearby facilities. The localized risk of spill (i.e., risks associated with the specific location and access route to the Shell Terminal) impacting shoreline land uses and precluding recreational uses would shift. Impacts at the Shell Terminal would not occur, as the Shell Terminal would not be in use. With no potential for spills in the immediate area, a slight beneficial impact (Class IV) may occur. However, an incremental increase in risk associated with increases in vessel activity at other nearby terminals would result. At those facilities there would be the potential for oil spill impacts similar to the proposed Project.

As described in Section 3.3, Alternatives Evaluated in the EIR, the No Project Alternative assumes that other facilities in the area would have the capability to make up for the loss of the Shell Terminal. However, if other facilities do not have this capability, they may be required to expand. This document does not examine the potential impacts of a facility expansion because the possibility of such an action is too speculative at this time. Any such expansion activities likely would trigger environmental review at the time of a proposal to expand any other facilities in the area.

LU-5: No mitigation is required.

Impact LU-6: Full Throughput Alternative

One or more terminals could operate simultaneously with no adverse land use impacts as these would be existing terminals. However, the alternative would require new pipelines, the construction of which could result in significant (Class I or II) impacts.

No land use or recreation impacts (Class III) are expected from increased operations at one or more existing terminals. It is expected that any such terminal would be properly zoned with proper land use designations as part of the planning process. Any increase in operations would be subject to permit modifications. In addition, because there should be sufficient distances between the terminals, no impacts to water-based recreation impacts are expected.

Permit modifications may be required for any increased use of the ~~Pacific Atlantic~~ Plains Product Terminals LLC facility for petroleum transfers and storage.

The Shell existing pipeline or new pipelines would require connections to the terminals from the Shell Refinery. Pipeline alignments would need to be identified and easements obtained. Conversion of some lands in highly developed urban areas could either directly or indirectly affect land use, including recreational use. Easements required for construction of a large pipeline through an urban area could result in a loss of use or

conversion of that use. This may result in significant (Class I or Class II) impacts. Class I impacts would occur in areas where property may be taken. If this impact can be mitigated by monetary means or land trades, then it may be wholly or partially mitigated. Incompatible land uses with adjacent property may also result in Class I or Class II impacts. Temporary Class I impacts also may occur during construction, affecting the ability to use the land. Once the pipeline is covered, no residual impact would remain. There is less likelihood of such impacts occurring in rural areas, where pipelines may run through already established easements. During operation, pipeline spills may result in significant (Class I or II) impacts.

Mitigation Measures for LU-6:

LU-6a. Mitigation for loss of property for pipeline alignments may include fair price purchase of property, a land trade, relocation of structures and/or people, or other means.

LU-6b: Adherence to MM GEO-8 for pipelines.

Rationale for Mitigation: The goal of MM LU-6a is to minimize the loss of property or loss of a particular land use due to a "take" of property or a conversion of use. ~~For LU-6b, a~~Application of MM GEO-8 for proper pipeline design, inspection, maintenance and retrofitting would help to minimize impacts. Impacts from small spills that can be contained can be reduced to less than significant.

Residual Impacts: For MM LU-6a, an unmitigable (Class I) impact may result where land is deeded to an easement and taken out of public use, such as a public park, if that loss contributes to a decrease in park space with no means for replacement. For MM LU-6b, impacts of a pipeline spill on land use and recreational resources on land can remain significant (Class I) from a large oil spill.

4.5.6 Cumulative Projects Impacts Analysis

Impact CUM-LU-1: Oil Spills from Vessels in Transit in Bay or along Outer Coast

Impacts to sensitive shoreline lands, and/or water and non-water recreation due to a release of oil would result in potentially significant adverse (Class I or II) impacts. When the cumulative environment is considered, the contribution from the Shell Terminal is small, but a spill could still be significant (Class I or II).

No impacts from Shell's routine operations would contribute to impacts to the cumulative environment. The proposed Project and other projects in the region have the risk of a potentially significant oil spill. Over the proposed 30-year lease period, increased throughput would occur through an increase in the number of vessels handled at the wharf. An incremental increase in spill risk and oil spill risks to land uses and recreational uses would be associated with that increase. When the cumulative environment is considered, the contribution from the proposed Project is small. Even so,

impacts to sensitive shoreline lands, and/or water and non-water recreation due to a release of oil would remain potentially significant (Class I). Shell would be responsible for spills at or near the Shell Terminal, but not for vessels transiting and Bay or outer coast.

Mitigation Measures for CUM-LU-1:

CUM-LU-1: ~~Mitigation for accidents in the shipping lanes would not be Shell's responsibility.~~ Shell shall implement MM OS-7a and MM OS-7b ~~in Operational Safety/Risk of Accidents~~.

Rationale for mitigation: ~~Response capability for containment and cleanup of land oiled areas is not the responsibility of Shell for shipping lane accidents except near the terminal. However, Shell may participate in VTS upgrade evaluations~~ Shell's participation in USCG PAWSA workshops for the San Francisco Bay area, can help to improve transit issues and response capabilities in general and response actions near the terminal to help reduce potential impacts to shoreline and recreational areas. Each marine terminal within the Bay Area is also responsible for minimizing spill risks at ~~their~~ its facility. Impacts near the Shell Terminal may be reduced to less than significant.

Residual Impacts: Impacts could remain significant (Class I).

A summary of the impacts and mitigation measures is provided in Table 4.5-3.

Table 4.5-3. Summary of Land Use and Recreation Impacts and Mitigation Measures

Impact	Mitigation Measures
LU-1: Conflicts with Existing or Future Planned Area-Wide or Local Policy Issues or Plans	No mitigation required.
LU-2: Incompatible Adjacent Recreational Land Uses	No mitigation required.
LU-3: Accidental Releases at or Near the Terminal	**LU-3:** Spills at Shell Terminal will be the responsibility of Shell; MM refer to other EIR sections.
LU-4: Land Use/Recreational Impacts of Oil Spills from Vessels in Transit	**LU-4:** Accidents in shipping lanes are not Shell's responsibility, but fall to vessel owner/operator. Implement MM OS-7a and MM OS-7b.
LU-5: No Project Alternative	No mitigation required.
LU-6: Full Throughput Alternative	**LU-6:** Property loss (for pipeline easements) mitigation may include fair price purchase of property, land trade, relocation of structures and/or people, or other means; MM GEO-8 for pipelines.
CUM-LU-1: Oil Spills from Vessels in Transit in Bay or along Outer Coast	**CUM-LU-1:** Implement measures MM OS-7a and MM OS-7b.